

Appl. No.: 10/563,396  
Amdt. Dated October 19, 2011  
Reply to Office Action of May 19, 2011

### **REMARKS**

This amendment is submitted along with a request for a two months extension and appropriate fees in reply to the Office Action dated May 19, 2011. Claims 1-22 currently stand rejected. Applicant has amended independent claims 1, 12, 21 and 22 for clarity. Now new matter has been added by the amendment.

In light of the amendment and the remarks presented below, Applicant respectfully requests reconsideration and allowance of all now-pending claims of the present application.

#### **Double Patenting**

Claims 1-4, 7-8, 10-19, 21-25 currently stand rejected under on the ground of non-statutory double patenting over claims 1, 4-5, 6-10, 12-20, 21-22, 2-3, 14 of the copending Application No. 12980296.

Since the subject of the claimed inventions, according to the amended independent claims, is not fully disclosed in the referenced copending Application, Applicant respectfully requests reconsideration and withdrawal of this rejection ground.

#### **Claim Rejections – 35 U.S.C. 101**

Claims 21 - 22 currently stand rejected under 35 U.S.C. §101 as being non-statutory. Applicant respectfully submits that independent claims 21 and 22 each include instructions stored on an electronic computer readable storage medium, which forecloses the possibility of either claim covering a carrier wave. Moreover, the comment added in the margin of the Office Action dated October 1, 2009, further demonstrates this fact. Accordingly, this rejection was withdrawn in the Office Action dated June 28, 2010. Accordingly, Applicant respectfully submits that the rejections of independent claims 21 and 22 are overcome.

#### **Claim Rejections**

Claims 1-4, 7-8, 10-16, 18-25 currently stand rejected under 35 U.S.C. §103(a) as being anticipated by Yoshii et al. (U.S. Patent No. 20030105809, hereinafter “Yoshii”) in view of Zigmond et al, (U.S. Patent No. 6,698,020, hereinafter “Zigmond”).

Appl. No.: 10/563,396  
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**Claim Rejections - 35 USC §103**

Independent claim 1 provides that the claimed invention relates to a system for organization of signals for transmitting thereof to a plurality of subscriber receivers wherein each signal represents a type of information belonging to a particular content category. The system includes a central management server and at least one client computer. The central management server is adapted to receive administrative instructions pertaining to the transmission of the signals to the subscriber receivers, and in response to the administrative instructions **organize signals** from at least one signal source **before transmission to the subscriber receivers**. Each of the at least one client computers has an interface towards the central management server and is adapted to produce administrative instructions for organizing a sub-set of the signals to be transmitted **over a number of transmission resources**, under the management of the central management server. The proposed administrative instructions specify, for each signal to be transmitted, **at least one of a number of transmission resources**, a time instance and a contents category.

According to the present invention, a client computer (e.g. located at an advertiser's or TV network facilities, etc.) provides instructions regarding the signals **to be transmitted over a number of transmission resources**. In fact, the instructions provided by the client computer render it possible to determine which signal that will be transmitted via which transmission resources (channels, etc.) at particular point in time. Accordingly, an object of some embodiments of the present invention is to provide a Signal Transmission Management solution which enables distributed clients to conveniently **organize transmissions over at least one of a plurality of transmission resources** via or under the management of the shared central management server. This system is advantageous because it allows a given amount transmission resources to be accessible and shared among a number of operators, and at the same time, provides each operator with a large degree of freedom with respect to how their portion of the resources is utilized (page 3, lines. 14-18). Thus, the invention offers an excellent tool for all operators **to distribute** mass media, such as satellite-TV, cable-TV, terrestrial broadcasting, etc. (Page. 9, lines 10 -12)

Appl. No.: 10/563,396  
Amdt. Dated October 19, 2011  
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Yoshii discloses “the user terminals send schedule data to the automatic distribution server 100 in response to a user action, to specify what each customer wishes to receive and when, 0104. The server delivers requested content according to the delivery schedule information created by the subscriber at the customer's terminal”.

According to the Examiner's statement in the Office Action, Yohii “did not explicitly disclose “whereby the administrative instructions specifies, for each signal to be transmitted, at least a number of transmission resources, a time instance and a content category”. Therefore, it is considered that the present invention is inventive over Yohii.

Zigmond reference is directed to “a system and method for selecting and inserting advertisements into a video programming feed at the household level. An advertisement insertion device in a home entertainment system receives a plurality of advertisements from an advertisement source. The advertisement insertion device selects one of the advertisements for display to a viewer according to advertisement selection criteria combined with viewer and system information. At the appropriate time, the video programming feed is interrupted and the selected advertisement is displayed [Abstract]. Accordingly, Zigmond clearly emphasises through entire document on insertion of advertisement and selection of signals at the household level.

According to the Examiner's statement in the Office Action, Zigmond discloses “the ad selection criteria could ensure that certain advertisements are shown at the time of day...” (col.13, lines 64-67). However, here, Zigmond refers to different geographical time zones in regard to the selection of the advertisements locally at the subscriber location. Zigmond also discloses that the “such flexibility allows advertisers to display their advertisements at a time that is likely to provide the greatest impact on the viewer (col.14, lines 13-23).

Accordingly, for the same reason mentioned above, Zigmond “did not explicitly disclose “whereby the administrative instructions specifies, for each signal to be transmitted **at least one of a number of transmission resources**,...”. Accordingly, Zigmond also fails to cure deficiencies of Yohii at least for the same reason and is not cited as such. Therefore, it is considered that the present invention is also inventive over Zigmond.

Appl. No.: 10/563,396  
Amdt. Dated October 19, 2011  
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Accordingly, based on Yoshii and Zigmond, it is far from a straightforward task for skilled person to implement a solution of the objective problem solved by the claimed invention in relation to accomplishing accessing and usage of multiple transmission resources at the disposal of a number of client computers operated by professional operators.

However, Applicant respectfully submits that the presence of one or more elements in a selection of prior art references is not of itself sufficient to suggest that a person of ordinary skill in the art **would** be expected to combine the particular references. Accordingly, there should be some suggestion or motivation, either in the documents themselves or in the knowledge generally available to the person skilled in the art, to combine the disclosures of the documents to establish a valid combination. Thus, the prior art neither suggests nor indicates anything, which would lead a skilled person confronted with the objective problem to modify the solution of cited references according to the independent claim 1 of the present invention.

Were the proposed combination established to be a valid combination, the question of inventive step is then one whether the claimed invention would be obvious to the person of ordinary skill in view of the combination. The mere fact that references can be combined or modified does not render the resultant combination obvious. Were a person of ordinary skill in the art to combine the teachings of the Yoshii and Zigmond, the resultant combination would not render the presently claimed invention obvious, at least for the reasons mentioned above. Thus, independent claim 1 is patentable over the cited references alone or in combination.

Finally, independent claims 12, 21 and 22 include similar recitations to those of independent claim 1 in relation to providing the features described above. Thus, independent claims 12, 21 and 22 are patentable at least for the corresponding reasons provided for independent claim 1. Claims 2-11, 13-20 and 23-25 depend either directly or indirectly from respective ones of independent claims 1 and 12, and thus include all the recitations of their respective independent claims. Therefore, dependent claims 2-11, 13-20 and 23-25 are patentable for at least those reasons given above for independent claims 1 and 12. Consequently, for at least the reasons provided above, Applicant respectfully submits that the rejections of claims 1-25 are overcome.

Appl. No.: 10/563,396  
Amdt. Dated October 19, 2011  
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### **CONCLUSION**

In view of the amended claims and the remarks presented above, it is respectfully submitted that all of the claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby acknowledged to be charged to submitted credit card number or, if required, a new Payment Form PTO-2038 will be sent to the USPTO upon request.

Respectfully submitted,

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ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON OCTOBER 19, 2011.